

April 7, 2017

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Request for Review by Locus Telecommunications, LLC of Decisions of the Title II Program Administrators and Petition for Declaratory Rulings Relative to the Treatment of Private Carriage Revenues, Docket No. 06-122*

Dear Ms. Dortch:

On April 6, 2017, on behalf of Locus Telecommunications, LLC ("Locus" or "the Company"), outside counsel to Locus, Jonathan S. Marashlian and Jacqueline R. Hankins of Marashlian & Donahue, PLLC, and Michael Morrissey, inside counsel for the Company, met separately with Amy Bender, Legal Advisor to Commissioner Michael O'Rielly, and Dr. Jay Schwarz, Acting Wireline Advisor to Chairman Ajit Pai, in connection with the above-referenced matters.

During these meetings, Locus discussed the importance of the issues highlighted in its pending [Request for Review](#) and [Petition for Declaratory Ruling](#), including both the narrower economic impact on Locus as well as the broader issues implicated by these pending filings. In particular, Locus explained how it has been harmed by USAC's policy of sharing all Form 499-A revenue data with the other universal service program administrators for purposes of TRS, LNP and NANP fee billing, unless the carrier identifies "private service provider" as its primary (#1) service in Line 105 of the Form.

As detailed in its Request and Petition, USAC's policy prevents carriers from segregating private from common carriage revenues for Form 499-A reporting purposes and excluding private carriage revenues from TRS, LNP and NANP fees (which do not apply to private carriage revenues) in violation of FCC rules and the Communications Act. On its 2016 Form 499-A, Locus identified "private service provider" as its #2 service category (by revenue), and indicated its partial exemption from TRS, LNP and NANP fees in Line 603. USAC ignored Locus's Line 603 exemption, passed all revenue data on the Form on to the other fund administrators, who then over-billed Locus based upon that data. Locus appealed first to the TRS and LNP fund administrators, who refused to act on those appeals. Thereafter, in November 2016, Locus sought review of those decisions with the Commission and simultaneously filed a Petition for Declaratory Ruling seeking to declare USAC's policy unlawful. Locus discussed these issues during its meetings with Ms. Bender and Dr. Schwarz. Locus also encouraged the Commission to take measures to promote de-regulation through clarification of existing law relative to the treatment of private carriage offerings. In short, Locus asked that staff:

1. Impress upon the Wireline Competition Bureau the ease of providing USAC with guidance to follow the rules and permit Locus (and other carriers) to use Line 603 to exclude private carriage revenue from TRS, NANP and LNP fees;
2. Encourage the Commission to rule on the Request for Review; and
3. Encourage the FCC to put Locus's Petition for Declaratory Ruling out for public notice.

Locus shared the attached White Paper and PowerPoint presentation with Ms. Bender and Dr. Schwarz during these meetings.

Please do not hesitate to contact me at (703) 714-1313 or jsm@commlawgroup.com if you have any questions or would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'JSM', with a stylized flourish at the end.

Jonathan S. Marashlian
Counsel to Locus Telecommunications, LLC

cc: Meeting attendees